

NEUFELD SCHECK & BRUSTIN, LLP

99 Hudson Street
New York, New York 10013

Tel: 212-965-9081

Fax: 212-965-9084

Johnnie L. Cochran, Jr.
(1937-2005)

Hon. Nancy Gertner (Ret.)

Peter J. Neufeld
Barry C. Scheck
Nick Brustin
Anna Benvenuti Hoffmann
Emma Freudenberger
Vanessa Buch
Aaron Scherzer
Alexandra Lampert

November 6, 2013

Via ECF and Next Day Air

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, NY 10601

RE: *Deskovic v. City of Peekskill, et al.*, 07-CV-8150(KMK)

Dear Judge Karas:

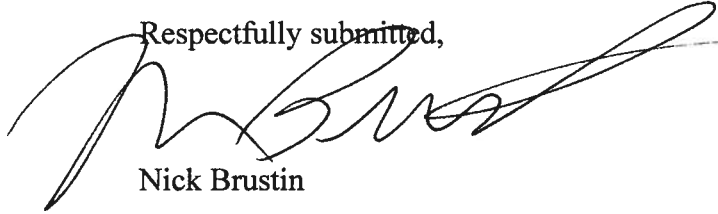
I write on behalf of Plaintiff Jeffrey Deskovic with respect to the upcoming trial against the Putnam Defendants. Given other trial schedules, Plaintiff Deskovic must request the June 23, 2014 trial date for this case. We appreciate the Court's and the Defendants' flexibility and will be fully prepared to begin trial on June 23rd.

In addition, out of an abundance of caution, Plaintiff Deskovic wanted to raise the potential conflict created by the same attorneys representing Stephens and Putnam County. *See Dunton v. Suffolk Cnty.*, 729 F.2d 903 *modified on reh'g*, 748 F.2d 69 (2d Cir. 1984). Although the County has committed to indemnify Stephens for all compensatory damages, the County has not yet committed on the record to indemnifying Stephens for punitive damages (punitive damages are available against Stephens but not the County). We previously brought this potential conflict to the attention of counsel for the Putnam Defendants when it became apparent during mediation with all of the Putnam Defendants on June 19, 2013. After that mediation, Defendants' counsel informed us that they would look into the conflict and get back to us. Defendants' counsel has since informed us that there is no conflict. We take counsel's representation that there is no conflict in their representation of both Stephens and the County to mean that the County is also committing to indemnify Stephens for punitive damages. If that is

the case, we agree there is no conflict, but we just wanted to make sure this issue is dealt with on the record well in advance of trial to prevent any potential issues. We are happy to lay these issues out more fully in a letter brief or address them in a hearing if the Court thinks that is necessary.

Finally, as discussed at the October 23, 2013 Court conference, now that the trial date is confirmed, Plaintiff Deskovic requests that the Court set a date for a telephonic conference to discuss pretrial scheduling and to set a date for a final pretrial conference.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Nick Brustin', is written over the typed name. The signature is fluid and cursive, with a large initial 'N' and 'B'.

Nick Brustin

cc: All counsel (via ECF)